

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARPENTERS HEALTH AND
SECURITY TRUST OF WESTERN
WASHINGTON, et al.,

Plaintiffs,

v.

JULIUS-STEWART
CONSTRUCTION SERVICES LLC, et
al.,

Defendants.

C19-1152 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed Plaintiffs' Motion to Reopen Case and for Entry of Judgment by Confession, docket no. 6, the Court DIRECTS Plaintiff to file additional briefing, not to exceed five (5) pages, on whether the Court now has jurisdiction over this matter in light of Plaintiffs' Notice of Voluntary Dismissal, docket no. 5. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381–82 (1994) (holding that the district court did not have inherent power to enforce terms of settlement agreement under doctrine of ancillary jurisdiction); *accord In re Valdez Fisheries Dev. Ass'n, Inc.*, 439 F.3d 545, 549 (9th Cir. 2006) (noting that even when a case is dismissed under Rule 41(a)(2), which requires a court order, enforcement of the settlement agreement is for state courts in the absence of a specific retention of jurisdiction); *see also Comm. Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999) (“[I]t is beyond debate that a dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, . . . and the district

1 court lacks jurisdiction to do anything about it.”). Plaintiffs’ supplemental brief shall be
2 filed on or before Friday, December 4, 2020. Absent a timely response to this Minute
Order, the motion shall be DENIED without prejudice.

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

4 Dated this 20th day of November, 2020.

5
6 William M. McCool
Clerk

7 s/Gail Glass
8 Deputy Clerk